

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

TAMMY CAPPEL,
Plaintiff,

v.

KIMBERLY HUGHES, Warden,
Defendant.

No. C 14-03977 HRL (PR)
ORDER OF TRANSFER

Plaintiff, a state prisoner, has filed a civil action under 42 U.S.C. § 1983 using the court's form complaint. However, it is clear from the information contained therein and the attachments thereto that Plaintiff is attempting to challenge her conviction out of San Diego County. (Docket No. 5.)

Venue for a habeas action is proper in either the district of confinement or the district of conviction, 28 U.S.C. § 2241(d). However, Federal courts in California traditionally have chosen to hear petitions challenging a conviction or sentence in the district of conviction. See Dannenberg v. Ingle, 831 F. Supp. 767, 767 (N.D. Cal. 1993); Laue v. Nelson, 279 F. Supp. 265, 266 (N.D. Cal. 1968). The petition indicates that Plaintiff was convicted in San Diego County which lies within the venue of the Southern District of California. See 28 U.S.C. 84(d).

1 Accordingly, the above-titled action is hereby TRANSFERRED to the United
2 States District Court for the Southern District of California. See 28 U.S.C. §§
3 1404(a), 2241(d); Habeas L.R. 2254-3.

4 The Clerk shall transfer this matter and terminate any pending motions.

5 **IT IS SO ORDERED.**

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7 DATED: _____

10/28/14

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HOWARD R. LLOYD
United States Magistrate Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

TAMMY CAPPEL,

Plaintiff,

v.

KIMBERLY HUGHES,

Defendant.

Case Number: CV14-03977 HRL

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on 10/28/2014, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Tammy Cappel X14602
C.I.W.
P.O. Box 8100
Corona, CA 92878

Dated: 10/28/2014

R. Cronwell, deputy
Richard W. Wieking, Clerk